

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION

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In the Matter of)
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Toll Free Service)
Access Codes)
_____)

CC Docket No. 95-155

COMMENTS OF AT&T CORP.

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SUMMARY

AT&T's comments show that many of the proposals in the Notice would further the Commission's goals of promoting the efficient, fair and orderly allocation of toll free numbers. Because of their fundamental importance and to assist in enforcement, the Commission should adopt as FCC rules the prohibition against reserving a toll free number absent affirmative customer request, prohibitions against warehousing and hoarding, and a policy allowing certain subscribers to 800 vanity numbers a "right of first refusal" to obtain the equivalent 888 numbers. At the same time, AT&T suggests that (consistent with past practice) most of the other proposals it supports should be embodied in Industry Guidelines that can be modified more quickly than Commission rules, so as to enable industry participants to respond appropriately to rapidly evolving marketplace circumstances.

Section I shows that the various proposed time intervals associated with reservation, assignment and aging are reasonable and should not create operational problems, nor would the proposed optional use of PINs for some toll free applications. However, the proposed tracking of reservation requests and escrow arrangement are both unnecessary and would be burdensome to administer; therefore, they should not be adopted.

Section II demonstrates that apart from an early reservation interval and right of first refusal for vanity

numbers needed for a smooth transition, numbers in the 888 successor toll free code should be distributed on a "first come, first served" basis; this would avoid more complex procedures, such as the proposed lottery or dispute resolution mechanism.

To avoid any number-availability gap, AT&T supports planning for the next toll free code well in advance of the projected total consumption of the previous toll free code, as well as a trigger to identify when the unassigned numbers in 888 decline to a specified level of total. In addition, AT&T agrees that calls to future toll free codes should be routed via the end office to avoid intolerable post-dial delay.

AT&T also demonstrates that a neutral third party administrator -- rather than one affiliated or under contract with specific industry segments -- is essential for equitable toll free database number administration. The North American Numbering Council should select the neutral toll free number administrator.

As shown in Section III, AT&T supports adoption of "anti-warehousing" and "anti-hoarding" rules, but believes that the definition of warehousing should be modified to make it more comprehensive. However, the proposed periodic certification process should not be adopted because it creates a burden without any real commensurate benefit. Rather, the Commission should require RespOrgs to maintain "in-house" the required subscriber information associated

with switching a toll free number from reserved or assigned to working status and, in the event of noncompliance, impose appropriate sanctions. AT&T also supports an 8 percent cap on the total quantity of numbers that can be reserved by a RespOrg to further efficient use of toll free numbers and minimize warehousing.

In Section IV, AT&T demonstrates that the Commission should permit RespOrgs to replicate in the 888 toll free SAC up to 15 percent of their working base of 800 numbers, in particular those that are advertised, widely known and called by consumers. This "right of first refusal" for holders of 800 vanity numbers will promote the fair, efficient and orderly use of 888 numbers and minimize consumer confusion and warehousing (among other important Commission objectives), without depleting this numbering resource.

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COMMENTS OF AT&T CORP.

Pursuant to the Commission's Notice of Proposed Rulemaking ("Notice"), FCC 95-419, released October 5, 1995, and Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, AT&T Corp. ("AT&T") submits these comments on the Commission's proposals to: "(1) promote the efficient use of toll free numbers; (2) foster the fair and equitable reservation and distribution of toll free numbers; (3) smooth the transition period preceding introduction of a new toll free code; (4) guard against warehousing of toll free numbers; and (5) determine how toll free vanity numbers should be treated."¹

As the Notice recognizes, 800 service is an extremely useful and popular means for both businesses and consumers to establish a means whereby others can call them on a toll free basis.² Because rapid consumption of

¹ Notice, ¶ 2.

² Notice, ¶¶ 1, 3.

800 numbers recently threatened total depletion of numbers in the 800 service area code ("SAC") before the successor 888 toll free code could be introduced, since June 14, 1995, the allocation of 800 numbers has been governed by an emergency plan developed by the Common Carrier Bureau. Among other measures, to avoid a gap between 800 number exhaustion and 888 implementation, the Bureau strictly limited the quantity of 800 numbers that could be assigned in any given week and limited each RespOrg's 800 number allocation based on a formula related to its historical usage.³ The Bureau also successfully reduced various lag times associated with the provisioning and recycling of 800 numbers and advanced the effective date of 888 deployment to March 1, 1996.⁴ AT&T commends the Commission's effort in this rulemaking to establish additional procedures that will promote the "efficient, fair and orderly" allocation and use of other limited toll free numbering resources, so as to avoid future situations in which an existing toll free code is exhausted before a new one could be made available and the potential need for emergency regulatory intervention.⁵

³ Notice, ¶ 9. A Responsible Organization ("RespOrg") is the entity responsible for managing a subscriber's records in the Service Management System ("SMS") 800 database Notice, ¶¶ 5, 7.

⁴ Notice, ¶ 9 and n.25.

⁵ Notice, ¶ 10

Section I shows that the Commission's proposals to reduce the various time intervals associated with 800 number reservation, assignment, and aging are generally reasonable, as is the proposed optional use of personal identification numbers for some toll free applications. However, the proposed tracking of reservation requests and escrow arrangement are unnecessary and would be burdensome to administer.

Section II then addresses the Commission's proposals as to the procedures that should be followed for deployment of new toll free codes, commencing with 888, as well as the need for a neutral third party administrator for toll free databases. Section III discusses issues relating to the warehousing and hoarding of 800 numbers and demonstrates that the proposed certification process is unlikely to accomplish the Commission's anti-warehousing goal, and should not be adopted.

In Section IV, AT&T shows that the Commission should permit RespOrgs to replicate in the 888 toll free SAC up to 15 percent of their working base of 800 numbers (in particular, those that are advertised, widely known and called by consumers) during a designated interval preceding the general availability of the 888 SAC. This "right of first refusal" for holders of vanity numbers will promote the fair, efficient and orderly use of 888 numbers and minimize consumer confusion, brokering, warehousing, billing

of unwanted calls, and fraud, without depleting an important numbering resource.

I. THE COMMISSION SHOULD RECOMMEND THAT THE INDUSTRY ADOPT PROCEDURES TO FURTHER THE EFFICIENT USE OF TOLL FREE NUMBERS.

In the Notice, the Commission proposes to invoke its powers under Section 1 and Title II of the Communications Act to establish procedures to promote the efficient use of toll free numbers. Specifically, the Notice inquires whether a RespOrg or 800 service provider should have an affirmative request from a subscriber before assigning a toll free number and whether it should retain records of such affirmative requests for auditing purposes.⁶ The Commission also proposes shortening the lag times associated with various SMS 800 number status classifications,⁷ and asks whether a one-time escrow deposit requirement should be established for 800 numbers held in reserved status.⁸ In addition, the Commission seeks comment on the possible use of personal identification numbers ("PINs") in conjunction with some toll free numbers.⁹

⁶ Notice, ¶ 13.

⁷ Notice, ¶¶ 17-19.

⁸ Notice, ¶¶ 14-16.

⁹ Notice, ¶¶ 20-21.

Preliminarily, AT&T recommends that -- except where necessary to facilitate enforcement or fundamental principles -- the procedures relating to the efficient use of toll free numbers that the Commission proposes in the Notice be embodied in the Industry Guidelines for Toll Free Number Administration,¹⁰ rather than in FCC rules. The Industry Guidelines for 800 Number Administration have generally proved effective in promoting the goal of efficient use of 800 numbers. The Commission can continue to provide valuable assistance in supporting these Industry Guidelines by addressing informal complaints, as they arise from time-to-time, and resolving issues on which the industry cannot reach consensus. At the same time, Industry Guidelines can be modified more quickly than a Commission rule, and thus enable the industry to respond appropriately to rapidly evolving marketplace circumstances.

As the Commission notes, some RespOrgs or carriers are assigning toll free numbers to subscribers who have not requested them and who make little (if any) use of those numbers.¹¹ This results in the removal of these 800 numbers

¹⁰ The Industry Guidelines for Toll Free Number Administration are expected to replace the existing Industry Guidelines for 800 Number Administration, Issue 3.1 of June 1, 1994 (the latter hereinafter referred to as the "Industry Guidelines"). The SMS Number Administration Committee ("SNAC") has been and will continue to work actively on updating the Industry Guidelines, as required.

¹¹ Notice, ¶ 13

from the SMS 800 database spare pool and thus makes them unavailable to subscribers who "actually need the numbers and would put them to productive use."¹² AT&T agrees with the Commission that, to avoid wasteful consumption, a RespOrg or carrier should have an affirmative customer request before it assigns a toll free number to a particular subscriber. AT&T already follows this procedure in its assignment of 800 numbers and believes that industry-wide adoption of this practice would lead to more efficient use and avoid warehousing of 800 numbers.¹³ Adoption of this requirement as a Commission rule would strengthen existing Industry Guidelines.¹⁴

However, the proposal that RespOrgs or carriers, as appropriate, retain records of such affirmative requests by subscribers (including those who do not convert their reserved numbers to working status) for two years for

¹² Notice, n.35

¹³ On the other hand, an escrow deposit which would be forfeited if the RespOrg or 800 Service Provider were found to be warehousing simply adds an entirely unnecessary level of complexity to an already intricate process. Should a RespOrg or 800 Service Provider found to be warehousing, the Commission can impose appropriate sanctions, including forfeitures, at that time. See Section III, infra.

¹⁴ The Industry Guidelines provide, at Section 2.2.5, that:

"Reservation, Assignment or Activation (working) of 800 Numbers may only be made by a RespOrg based upon negotiations with a specific prospective Customer" (emphasis added).

auditing purposes, would impose undue and, in AT&T's view, entirely unnecessary burdens. Customer requests for number reservations are frequently made verbally, either in person or telephonically, to the carrier's sales organization at the front-end of the service ordering process. For example, AT&T's current practice is to accommodate verbal customer requests (which are then documented in writing) for reservations of toll free numbers, and not to "reserve" a number in the absence of such request. However, customer-specific records of reserved numbers that never undergo the subsequent "service order entry" stage are not retained. Therefore, as a practical matter (absent expenditure of substantial sums to create a different recordkeeping system), AT&T can only track numbers that convert to "working" status pursuant to firm orders by customers.

Several factors will tend to minimize any potential warehousing of "reserved" numbers apart from the proposed tracking requirement. First, reducing the number of days (from 60 to 45) that a number may be held in "reserved" status -- a proposal which AT&T supports -- will lead to faster conversion of the number to working status. Second, the SMS Administrator already has procedures in place that automatically revert to "spare" status any number that is held in "reserved" status beyond the allowable

number of days.¹⁵ Given this fact, rather than imposing new, costly tracking requirements on RespOrg or carriers, the SMS Administrator is ideally situated to raise a "warning flag," if it finds that a significant percentage of a RespOrg's "reserved" numbers are being automatically recaptured; it should then issue a warning letter to the RespOrg or carrier, and, in the absence of appropriate justification, reduce the entity's reservation cap commensurately with the percentage of numbers that had been reverting. Also, AT&T supports an 8 percent reservation cap (which is substantially lower than the Industry Guidelines cap that had existed prior to the Bureau imposition of emergency measures in June 1995). The combination of these safeguards should adequately protect against warehousing of "reserved" numbers without the proposed new costly recordkeeping mechanisms.

AT&T recommends that the Commission's proposals to reduce lag times associated with the provisioning of toll free numbers be carefully balanced against the interests of

¹⁵ The Industry Guidelines provide, at Section 2.3.2, that:

"A specific 800 Number may be reserved for a maximum of 60 calendar days on behalf of a RespOrg's Customer. However, if the 800 Number status in SMS/800 does not change to Assigned or Working prior to the end of the 800 Number reservation period, SMS/800 will automatically change the status of the number back to Spare and return it to the general pool for assignment" (emphasis added).

customers that would be impacted. In addition, AT&T strongly suggests that the lag times that the Commission finds appropriate be embodied in Industry Guidelines rather than inflexible FCC rules. These are precisely the sorts of technical operating procedures associated with number administration that the Commission has historically left to industry bodies, providing guidance to them as appropriate.

Reducing the time that a toll free number may be "reserved," i.e. held by a RespOrg for a subscriber, from 60 days to 45 days is feasible, as evidenced by the fact that this is the current reservation time allowed under the interim Bureau plan and, for AT&T (and presumably for other carriers), this interval has not created operational problems. The suggested alternative 30-day reservation interval would clearly be too short because it would not accommodate many carriers' order-to-installation periods or customer-specific needs.

AT&T supports reducing the time that a toll free number can be "assigned," but not activated to working status, from 12 to 4 months. As a practical matter, in most situations customers are ready to convert numbers to working status within 4 months. There are some exceptions, such as where customers experience significant delays in construction of new facilities, but these are rare. Four months should, as a general rule, accommodate most customer

situations and the Industry Guidelines should be modified accordingly.¹⁶

The proposal to reduce the "aging" process, i.e., the "period of time between disconnection or cancellation of a toll free number and the point at which that toll free number may be reassigned to another subscriber,"¹⁷ from 6 to 4 months is also feasible. A 4-month aging interval has been in effect since June 1995, and it has not resulted in excessive misdialing, unreasonable expense to the new toll free subscriber for wrong number calls or confusion for callers. Thus, AT&T believes that the aging interval can and should be reduced to 4 months so that "toll free numbers not currently in use will be returned to the spare pool more quickly, becoming available for reassignment to new subscribers requiring working numbers."¹⁸

The Commission's proposal to reduce the amount of time that a number could be "suspended" (i.e., temporarily disconnected), but not reactivated, from 12 to 4 months would not, however, adequately protect the interests of customers that due to specific business needs, such as

¹⁶ The Industry Guidelines currently require conversion from "assigned" to "working" status within 12 months. See Industry Guidelines at Section 2.4.4.

¹⁷ Notice, ¶ 19. A number that has completed the aging process is said to be "spare," i.e., available for reassignment Id., ¶ 17.

¹⁸ Notice, ¶ 19.

seasonal business fluctuations, desire the flexibility to suspend their numbers and service for longer periods of time. AT&T classifies numbers put in abeyance for seasonal businesses as "suspended" and has found that many customers with seasonal businesses require suspensions up to 9 months, which should be the "suspension" limit. In addition, a cap on the quantity of numbers that a RespOrg could keep in "suspended" status would reduce the likelihood a RespOrg would retain numbers in this category for inappropriate reasons.

AT&T believes that the use of PINs would help slow the speed at which numbers are consumed because, with the use of PINs, "multiple customers could use a single toll free number."¹⁹ In particular, PINs can be highly effective tools for efficient use of toll free numbers in some personal number, paging and messaging applications, where it is reasonable to require the few callers desiring to reach an 800 subscriber to input a multi-digit PIN and where the subscriber can selectively and accurately distribute his or her number. On the other hand, PINs are not appropriate for doctors and emergency service providers (among others), whom callers must be able to reach very quickly and easily and who depend on toll free paging and messaging services.

¹⁹ Notice, ¶ 20.

Moreover, because of the large volume of calls to most 800 numbers used for commercial applications, a PIN would not further efficiency for these uses. For one, in a typical commercial application, the toll free number already supports a high volume of inbound calls, and, in any case, it would be unreasonable to expect the calling public to accurately associate particular PINs with calls to the myriad of business 800 numbers, including, for example, airlines, hotel, catalog sales, public information sources and the like. For these reasons, AT&T supports the Commission's tentative decision not to impose a PIN requirement, but rather to encourage the use of PINs where appropriate. Carriers would thus have discretion in determining when use of a PIN would further efficiency without compromising other legitimate interests, such as the need for ease-of-access to the toll free subscriber.

II. THE COMMISSION SHOULD RECOMMEND POLICIES TO FACILITATE OPENING OF NEW TOLL FREE CODES IN AN ORDERLY FASHION.

The Commission "[i]n planning for the deployment of new toll free codes" states that it is striving "to avoid rapid, unanticipated depletion of these scarce numbering resources."²⁰ The Notice inquires whether the current "first come, first served" policy should apply to new SACs; whether a number sought by multiple parties should be

²⁰ Notice, ¶ 22.

awarded via a lottery; whether there should be some phased introduction of toll free SACs; when planning for subsequent toll free codes should commence; the period of notice for implementation of a toll free SAC; the appropriate interval of software availability to support new toll free applications; and whether there should be some sort of tracking of toll free numbers usage.²¹

AT&T supports a number of the phased introduction proposals for the new 888 SAC. For the reasons discussed in this Section and in Section IV, infra, AT&T believes that, prior to the general availability of the new 888 toll-free SAC, there should be an early reservation period for new 888 number requests, as well as a right of first refusal for replication of so-called "vanity numbers." However, once the new SAC becomes "generally available," AT&T believes that a "first come, first served" policy for toll free numbers would best serve the public interest.²² Not only is this approach firmly grounded in established procedures that are simple, efficient and inexpensive to administer, but it avoids the need for a lottery or dispute resolution mechanism because it quickly disposes of all disputes with a

²¹ Notice, ¶¶ 22-31.

²² AT&T disagrees that smaller, less technologically sophisticated RespOrgs are disadvantaged by this policy because the mechanized generic interface to the SMS 800 database is a tariffed service available to all RespOrgs.

straightforward, objectively measurable "first in time" process. The policy should not be modified for toll free codes that are in "high demand," as suggested by the Commission, because there is no practical way to identify such a category of numbers.

To ensure that there is no degradation of SMS performance, allowing new number requests to be reserved 45 days in advance of the general availability of the next toll free code (but not allowing those reservations to change to working status until close to the availability date) makes sense.²³ This policy would allow the SMS administrator to populate the LECs' service control points ("SCPs") with numbers obtained from the SMS over a 45-day period, so as to reduce the likelihood that the data links connecting the SMS and SCPs would be overloaded or fail due to increased traffic volumes during the transition to a new toll free code. In addition, activations to working status could be staggered over the first 5 days preceding the general availability of a new toll free code, so as to avoid overloading the system. This would further reduce the likelihood that the data links would malfunction.

Certainly the Commission's proposal that "planning for the introduction of new toll free codes start well in

²³ New number requests should be given activation priority over vanity number replication requests which are made during the same 45-day early reservation window. See n.52, infra.

advance of the projected total consumption of the previous toll free code,"²⁴ is essential to avoid a gap between exhaustion of the current toll free code(s) and the opening of new ones. And, as the Commission recognizes, carriers are already used to long-lead times in advance planning for "customer growth, network topology [and] traffic planning."²⁵

Specifically, the Commission proposes to identify a "trigger" that would alert the industry as to when "the current toll free code is sufficiently near completion to require that the next toll free code be prepared for deployment."²⁶ AT&T believes that the following "blend" of the Commission's two specific proposals would be optimal. "General planning" for the next toll free code should commence as soon as the previous one is introduced. And, a "trigger" should nevertheless identify when the unassigned numbers in the 888 database decline to a specified percentage of the total. When the trigger is activated, more specific deadlines for implementation of the follow-on code would be established.

AT&T sees no reason why new toll free codes could not be implemented on six months' notice for LECs

²⁴ Notice, ¶ 26.

²⁵ Notice, ¶ 26.

²⁶ Notice, ¶ 27.

subscribing to an Advance Intelligent Network ("AIN")-based database query software.²⁷ Likewise, AT&T concurs with the Commission that calls to future toll free codes should be routed via the end office (the same as most 800 calls are routed today), to avoid intolerable post-dial delay. Because most LEC switches are now configured to perform the 800 database query from end offices, there is no reason why the identical query procedure could not be used for subsequent toll free codes on an office-specific basis.

AT&T also concurs that the availability of toll free market and number usage information (to the extent that it is currently available in the SMS 800 database) would help make industry participants aware of consumption patterns.²⁸ Although AT&T believes that the SMS 800 database administrator should file the proposed reports with the Commission on a quarterly basis, carrier-specific

²⁷ However, further AT&T Network Systems switch software releases would be required to implement codes other than 888 and 877 for smaller LECs that do not subscribe to AIN software at this time. Such software would be developed on a timely basis (i.e., 12 months) upon initial customer request, which would still likely afford smaller LECs the ability to implement 866 and subsequent codes on six months' notice after the triggering event.

²⁸ Notice, ¶ 31. On the other hand, creation of additional procedures to solicit, record and report usage information by classifications (such as business, personal or access), would be costly and would not add materially in determining the pace of toll free number consumption. Therefore, AT&T does not support reporting of this additional information.

data should not be disclosed to any party other than the Commission staff.

The Commission also inquires "whether DSMI [Database Service Management, Inc.] should continue to administer the toll free databases or whether another entity, such as the North American Numbering Plan ["NANP"] Administrator or another neutral third party should administer the toll free databases."²⁹ AT&T strongly believes that equitable administration of numbering resources will help ensure the continued introduction of competitively offered, innovative new services and supports the Commission's finding in a separate proceeding that "[number] administration . . . should not unduly favor or disadvantage any particular industry segment or group of customers."³⁰ It is imperative, therefore, that an impartial and neutral entity administer all numbering resources, including toll free databases.

The North American Numbering Council ("NANC") was established by the Commission to make recommendations to the Commission, develop policy, and initially resolve disputes, as well as to select and guide the new North American Numbering Plan Administrator. AT&T believes that the NANC

²⁹ Notice, ¶ 49.

³⁰ Administration of the North American Numbering Plan, CC Docket No. 92-237, Report and Order, FCC 95-283, released July 13, 1995, ¶ 15.

should also consider toll free database administration and all associated functions and should select a neutral SMS toll free database administrator that is not affiliated or under contract with Bellcore, the RBOCs or current regional SCP database owners. The SMS and the 800 Number Administration and Service Center ("NASC") are monopoly services that constitute the primary operations support systems that are essential for carriers to be able to provide toll free services.³¹ Any administrator that is affiliated or in a contractual relationship with Bellcore or the RBOCs would inevitably be exposed to unacceptable conflicts of interest, because of the increasingly competitive activities among the RBOCs and the carriers that utilize SMS. In addition, the data that reside in SMS are proprietary to the respective carriers because they reflect sensitive business information, such as usage trends, that is not publicly available and that could be potentially valuable to a competitor. Any transition of functions from DSMI or Lockheed to a third party should be accomplished in a manner that minimizes compromising the integrity of SMS and the NASC. In addition, the RBOCs and Bellcore should be

³¹ The Commission recognized the importance of SMS and NASC functions in Provision of Access for 800 Service, 8 FCC Rcd. 1423, 1426-27 (¶¶ 27-30) (1993), finding that the BOCs and Bellcore should be divorced from the daily administration of SMS and ordered NASC responsibilities to be subcontracted to a neutral third party. The subcontract to Lockheed resulted from that Order.

required to license, at commercially reasonable rates, to any new third party administrator the software that is required to continue operation of SMS and the NASC.

III. THE COMMISSION SHOULD ADOPT ANTI-WAREHOUSING AND ANTI-HOARDING RULES.

AT&T agrees that warehousing and hoarding of toll free numbers are unreasonable practices and inconsistent with the public interest. The Commission suggests that "warehousing" occurs when a RespOrg obtains "toll free numbers from the database without having an actual subscriber for whom those numbers are being reserved."³² To guard against warehousing, the Commission proposes that "all RespOrgs should certify to the Commission that: (1) there is an identified subscriber who has agreed to be billed for service associated with each toll free number requested from the database; and (2) there is an identified, billed subscriber before switching a number from reserved or assigned to working status."³³ An officer of the company (RespOrg) would have to provide, under penalty of false statement, the name, address, telephone, and facsimile numbers of the subscriber.³⁴ "Hoarding," according to the Commission, occurs when a "toll free subscriber acquires

³² Notice, n.69.

³³ Notice, ¶ 34.

³⁴ Id.

more numbers from a RespOrg than it intends to immediately use."³⁵ To the extent that a subscriber is subject to regulation under Title II, it too would have to comply with the proposed certification process.³⁶

AT&T believes that the definition of "warehousing" should be modified to accomplish the Commission's objectives and then prohibitions against warehousing and hoarding should be adopted as Commission rules, to facilitate enforcement. To comport with the Commission's goals, "warehousing" should include changing a reserved or assigned number to active status without an identified subscriber.³⁷

The proposed certification process should not be adopted, however, because it creates a burden without any real commensurate benefit. Such certifications (whether monthly, quarterly or yearly) would require submission of customer-specific proprietary information, and would, in all likelihood, devolve into a boilerplate process. Rather than proceed in this fashion, AT&T suggests that the Commission adopt "anti-warehousing" and "anti-hoarding" rules (as discussed above), require RespOrgs to maintain "in-house"

³⁵ Notice, n.72.

³⁶ Notice, ¶ 34.

³⁷ Specifically, "warehousing" would thus occur when a RespOrg "obtains a toll free number from the database without having an actual subscriber for whom those numbers are being reserved or switches a number from reserved or assigned to working status without having a subscriber who has agreed to be billed for service."